

FILED VIA E-FILE  
PATENT APPLICATION  
Docket No. 16455.6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(VIII)**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

## **I. Basis for the Petition**

Pursuant to MPEP 708.02, Section VIII, applicants petition for a special status for this application.

## II. Requirement for Granting the Petition and Showing that the Requirements for Granting the Petition Have Been Met

The following subsections identify the requirements for the petition to be granted and show that those requirements are met.

**A. Submit Petition and Fee – MPEP 708.02, Section VIII(A)**

This petition is accompanied by the 37 CFR 1.17(h) petition fee, of \$130, pursuant to 37 CFR 1.102(d).

**B. Agree to an Election Without Traverse – MPEP 708.02, Section VIII(B)**

The Applicants submit that all claims are directed to a single, patentable invention. However, should the United States Patent and Trademark Office (“USPTO”) determine that all of the claims presented are not directed to a single invention, the Applicants hereby agree to make an election without traverse.

**C. State that a Pre-examination Search was Made – MPEP 708.02, Section VIII(C)**

A pre-examination search was made by the European Patent Office concerning the international application PCT/EP2004/011905 to which this application claims priority. A copy of this international search is attached hereto as Exhibit A. The claims in this corresponding international application are the same or are similar in scope to the claims in the U.S. application for which special status is requested. The international search identified the following documents as relevant:

- D1: US 2002/059320 A1 (*Tamaru*) May 16, 2002;
- D2: US 6,505,100 B1 (*Stuempfle et al.*) January 7, 2003;
- D3: EP 1,134,940 A1 (*Ahmed et al.*) September 19, 2001;
- D4: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 21, August 3, 2001 & JP 2001 117637 A (*Yoshinori et al.*), April 2001; and
- D5: EP 1,178,458 B1 (*Arakawa et al.*) August 24, 2005.

**D. Submit Copies of Most Relevant References – MPEP 708.02,  
Section VIII(D)**

Copies of the references that are to the best of the Applicant's knowledge deemed most closely related to the subject matter encompassed by the claims are already of record as they were submitted with the Information Disclosure Statement filed at the U.S. Patent and Trademark Office on July 19, 2006.

**E. Detailed Discussion Pointing Out How the Claimed Subject Matter  
Is Patentable Over the References – MPEP 708.02, Section VIII(E)**

Claims 29-59 are pending of which claims 29 and 52 are independent claims. Claims 29 and 52 include elements that are not believed to be taught or suggested by the references referred to in the international search report.

Claim 29 is directed to a method of managing information exchanges in a worksite, by networking items of apparatus which perform tasks in connection with said worksite and which receive and/or send data. The method uses an electronic data network comprising management means cooperating with a plurality of communications interfaces. A given said item of apparatus has a data link with a specified said communications interface. At least some said items of apparatus are organized in hierarchical levels according to a determined dependency relationship of the worksite. Said management means performs the method. The method includes the act of storing a correspondence between each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite. The method further includes using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus.

U.S. Patent Application Publication 2002/059320 to *Tamaru* (hereinafter “*Tamaru*”) teaches a work machine management system for providing communication between work machines and a server. *See Abstract* and paragraphs [0265] – [0311]. However, *Tamaru* fails to teach or suggest at least the act of “storing a correspondence between each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite” as recited in claim 29. Moreover, it follows that *Tamaru* fails to teach or suggest the act of “using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus” as recited in claim 29.

U.S. Patent No. 6,505,100 to *Stuempfle et al.* (hereinafter, “*Stuempfle*”) teaches a distributed vehicle information processing and vehicle control system. *See Abstract*. However, *Stuempfle* fails to teach or suggest the act of “storing a correspondence between each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite” as recited in claim 29. Moreover, it follows that *Stuempfle* fails to teach or suggest the act of “using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus” as recited in claim 29.

European Patent Application Publication EP 1,134,940 to *Ahmed et al.* (hereinafter “*Ahmed*”) teaches geometry-based routing protocol (GRP) used in an ad-hoc mobile network to route traffic from a source node to a destination node. *See Abstract* and paragraphs [0006] and [0007]. However, *Ahmed* fails to teach or suggest the act of “storing a correspondence between

each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite” as recited in claim 29. Moreover, it follows that *Ahmed* fails to teach or suggest the act of “using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus” as recited in claim 29.

Japanese patent abstract vol. 2000, no. 21 describing the contents of Japanese patent JP 2001 117637 A to *Yoshinori et al.*) (hereinafter “*Yoshinori*”) teach an unmanned working system where a working machine is provided with a programmable logic controller (PLC) 20, an NT server device 50. A control room 100 for controlling the working machine 10 is provided with an NT service device 120 and a remote controller 150. *See Abstract* and Figures 1 and 2. However, *Yoshinori* fails to teach or suggest the act of “storing a correspondence between each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite” as recited in claim 29. Moreover, it follows that *Yoshinori* fails to teach or suggest the act of “using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus” as recited in claim 29.

European Patent EP 1,178,458 to *Arakawa et al.* (hereinafter “*Arakawa*”) teaches an apparatus for presenting information on mobile bodies, such as a construction machine and various work vehicles. *See Figure 1 and paragraphs [0001], [0029], and [0052].* However,

*Arakawa* fails to teach or suggest the act of “storing a correspondence between each said item of apparatus organized in hierarchical levels and an address structure reflecting the hierarchical position of that item of apparatus in said determined dependency relationship of the worksite” as recited in claim 29. Moreover, it follows that *Arakawa* fails to teach or suggest the act of “using that correspondence to establish a communications link with a selected item of apparatus, via its communications interface, in response to a call addressed with an address structure reflecting the hierarchical position of said selected item of apparatus” as recited in claim 29.

Therefore, claim 29 is believed to be patentably distinct over *Tamaru, Stuempfle, Ahmed, Arakawa, and Yoshinori*. Independent claim 52 is directed to an example of a system in connection with which the method of claim 29 can be performed. Claims 30-51 depend from claim 29 and claims 53-59 depend from claim 52. Therefore, dependent claims 30-51 and 53-59 also include features that are not taught or suggested by the references currently deemed most relevant for reasons similar to those discussed above with regard to claim 29.

### **III. Conclusion**

Based on the above discussion, the present petition should be granted and this application advanced out of turn for examination. Moreover, the claims are deemed to be allowable over the references of record for at least the reasons set forth herein.

Dated this 17 day of August, 2006.

Respectfully submitted,

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DAVID A. JONES  
Registration No. 50,004  
Attorney for Applicant  
Customer No. 057137

## **EXHIBIT A**

Copy of International Search Report for PCT/EP2004/011905

DAJ:jbh  
JBH0000000143V001

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  KAP-5711-WO	<b>FOR FURTHER ACTION</b>		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No.  PCT/EP2004/011905	International filing date ( <i>day/month/year</i> )  21/10/2004	(Earliest) Priority Date ( <i>day/month/year</i> )  22/10/2003	
Applicant  LEICA GEOSYSTEMS AG			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b.  With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.  **Certain claims were found unsearchable** (See Box II).

3.  **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 2

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

**A. CLASSIFICATION OF SUBJECT MATTER**  
 IPC 7 H04L29/12 H04L29/08

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)  
 IPC 7 H04L E02F G07C G08G G05B G05D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2002/059320 A1 (TAMARU MASATAKE) 16 May 2002 (2002-05-16) abstract page 1, paragraph 1 – paragraph 5 page 12, paragraph 204 page 14, paragraph 254 – page 15, paragraph 268 page 16, paragraph 276 – paragraph 278 page 17, paragraph 302 – paragraph 303 page 19, paragraph 324 – paragraph 330 ----- US 6 505 100 B1 (STUEMPFLER MATTHIAS ET AL) 7 January 2003 (2003-01-07) abstract column 1, line 1 – line 25 column 5, line 17 – column 6, line 41 column 7, line 61 – column 9, line 19 ----- -/--	1-28
Y		1-28

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*&\* document member of the same patent family

Date of the actual completion of the international search

30 March 2005

Date of mailing of the international search report

21/04/2005

Name and mailing address of the ISA

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Peeters, D

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 134 940 A (LUCENT TECHNOLOGIES INC) 19 September 2001 (2001-09-19) abstract page 2, paragraph 1 – paragraph 3 page 2, paragraph 6 – paragraph 7 -----	11,12
A	PATENT ABSTRACTS OF JAPAN vol. 2000, no. 21, 3 August 2001 (2001-08-03) & JP 2001 117637 A (FUJITA CORP), 27 April 2001 (2001-04-27) abstract; figure 1 & DATABASE WPI Derwent Publications Ltd., London, GB; AN 2001-517018 & JP 2001 117637 A (FUJITA CORP) 27 April 2001 (2001-04-27) abstract -----	1-28
A	EP 1 178 458 A (KOMATSU MFG CO LTD) 6 February 2002 (2002-02-06) abstract paragraph '0063! – paragraph '0133! -----	1-28

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 2002059320	A1	16-05-2002	JP	2002188183 A		05-07-2002
			DE	10151942 A1		05-12-2002
			US	2002045986 A1		18-04-2002
US 6505100	B1	07-01-2003	DE	19909157 A1		21-09-2000
			DE	50001073 D1		20-02-2003
			EP	1033691 A2		06-09-2000
			ES	2188436 T3		01-07-2003
			JP	3485515 B2		13-01-2004
			JP	2000268293 A		29-09-2000
EP 1134940	A	19-09-2001	CA	2329548 A1		14-09-2001
			EP	1134940 A1		19-09-2001
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EP 1178458	A	06-02-2002	AU	770499 B2		26-02-2004
			AU	3194600 A		04-10-2000
			EP	1178458 A1		06-02-2002
			WO	0055828 A1		21-09-2000